

80



1642

December 9, 2003

In re the Application of:

Leon W.M.M. Terstappen, Galla Chandra Rao, Herman Rutner, and Paul A. Liberti

Application Number:

09/801,471

Application Filed: 03/08/2001

Title: LABELED CELLS FOR USE AS AN INTERNAL FUNCTIONAL CONTROL IN RARE CELL DETECTION ASSAYS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam;

Attached please find the necessary forms for changing the Power of Attorney. A power of attorney from the applicant, Edward ERICKSON as president of IMMUNIVEST CORPORATION, has been included. The currently named agent (RIGAUT, Kathleen D. of DANN, DORFMAN, HERRELL and SKILLMAN, 1601 Market Street, Suite 720, Philadelphia, Pennsylvania 19103 United States of America) should be revoked and replaced with in-house counsel (Joseph F. Aceto).

The applicant further requests all correspondence sent to the address below.

Please note that the correspondence address is now the following;
Immunicon Corporation
3401 Masons Mill Road, Suite 100
Huntingdon Valley, Pennsylvania 19006
United States of America

RECEIVED

DEC 16 2003

TECH CENTER 1000/2900

Thank you for all your help in each of these matters.

Sincerely,

Joseph F. Aceto, Ph.D., J.D. (50701)

Tele: 215-830-0777 ext. 237

Fax: 215-830-0751

email: jaceto@immunicon.com



Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop 09/801471
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on December 9, 2003

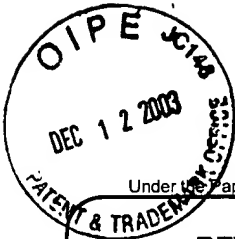

(Signature)

Joseph F. Aceto, Ph.D., J.D.
(Printed name)

Description of Correspondence for 09/801471:
Included are:

- 1- Certificate of Mailing under 37 CFR 1.8
- 2- PTO/SB/82 -1 page
- 3- PTO/SB/81 -1 page
- 4- PTO/SB/122 -1 page
- 5- PTO/SB/96 -1 page
- 6- Copies of Assignment and Recordation- 5 pages

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PTO/SB/82 (09-03)

Approved for use through 11/30/2005. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	09/801,471
Filing Date	03/08/2001
First Named Inventor	TERSTAPPEN
Art Unit	1642
Examiner Name	Karen Canella, Ph.D.
Attorney Docket Number	IMMC 234

I hereby revoke all previous powers of attorney given in the above-identified application.

☒ A Power of Attorney is submitted herewith.

OR

☐ I hereby appoint the practitioners associated with the Customer Number:

☒ Please change the correspondence address for the above-identified application to:

☐ The address associated with
Customer Number:

OR

☒ Firm or
Individual Name

Immunicon Corporation

Address

Suite 100

Address

3401 Masons Mill Road

City

Huntingdon Valley

State

Pennsylvania

Zip

19006

Country

United States of America

Telephone

215-830-0777

Fax

215-830-0751

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name

James G. Murphy, Treasurer Immunivest Corporation

Signature

James G. Murphy

Date

09 Dec 2003

Telephone

215-830-0777

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/81 (09-03)

Approved for use through 11/30/2005. OMB 0651-0035

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**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	09/801,471
Filing Date	03/08/2001
First Named Inventor	TERSTAPPEN
Title	Labeled Cells for Use as an In
Art Unit	1642
Examiner Name	Karen Canella, Ph.D.
Attorney Docket Number	IMMC 234

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
Joseph F. Aceto	50701
James Wilcox	30234

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

☒ Firm or Individual Name Immunicon Corporation

Address Suite 100

Address 3401 Masons Mill Road

City Huntingdon Valley State Pennsylvania Zip 19006

Country United States of America

Telephone 215-830-0777 Fax 215-830-0751

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

Name James G. Murphy, Treasurer Immunivest Corporation

Signature

Date 09 Dec 2003

Telephone 215-830-0777

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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CHANGE OF CORRESPONDENCE ADDRESS *Application*

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450.

Application Number	09/801,471
Filing Date	03/08/2001
First Named Inventor	TERSTAPPEN
Art Unit	1642
Examiner Name	Karen Canella, Ph.D.
Attorney Docket Number	IMMC 234

Please change the Correspondence Address for the above-identified patent application to:

☐ Customer Number :

OR

☒ Firm or Individual Name Immunicon Corporation

Address Suite 100

Address 3401 Masons Mill Road

City Huntingdon Valley State Pennsylvania Zip 19006

Country United States of America

Telephone 215-830-0777 Fax 215-830-0751

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

- ☐ Applicant/Inventor
- ☒ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- ☐ Attorney or Agent of record. Registration Number _____
- ☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Typed or Printed Name James G. Murphy Treasurer Immunivest Corporation

Signature

Date 09 Dec. 2003

Telephone 215-830-0777

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Terstappen, Leon W.M.M., Rao, Galla (chandra), Putner, Herman, Liberty, Rao

Application No./Patent No.: 09/801,471 Filed/Issue Date: 03/08/2001

Entitled: "Labeled Cells for use as an internal functional control in rare cell detection assay"

Immunivest, a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 012064, Frame 0997, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

09 December 2003

Date

215-830-0777

Telephone number

James G. Murphy

Typed or printed name

[Signature]

Signature

Treasurer Immunivest

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

OCTOBER 16, 2001

PTAS

DANN, DORFMAN, HERRELL AND SKILLMAN
KATHLEEN D. RIGAUT
1601 MARKET STREET, SUITE 720
PHILADELPHIA, PA 19103-2307



101812807A

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DEC 16 2003

**UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/10/2001

REEL/FRAME: 012064/0997
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

TERSTAPPEN, LEON W.M.M.

DOC DATE: 06/13/2001

ASSIGNOR:

RAO, GALLA CHANDRA

DOC DATE: 07/10/2001

ASSIGNOR:

RUTNER, HERMAN

DOC DATE: 07/10/2001

ASSIGNOR:

LIBERTI, PAUL A.

DOC DATE: 07/02/2001

ASSIGNEE:

IMMUNIVEST CORPORATION
1105 NORTH MARKET STREET, SUITE
1300
P.O. BOX 8985
WILMINGTON, DELAWARE 19899

SERIAL NUMBER: 09801471
PATENT NUMBER:

FILING DATE: 03/07/2001
ISSUE DATE:

012064/0997 PAGE 2

DIANE RUSSELE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

08-16-2001

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office



101812807

To the Honorable Commissioner of Patents and Trademarks:

1. Name of conveying party(ies):

Leon W.M.M. Terstappen
Galla Chandra Rao
Herman Rutner
Paul A. Liberti

21000

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

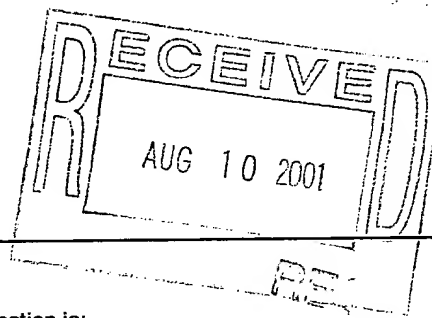
Execution Date: June 13, 2001, July 10, 2001
July 10, 2001 and July 2, 2001

Name and address of receiving party(ies):

Name: Immunivest CorporationInternal Address Suite 1300Street Address: 1105 North Market Street, P.O. Box 8985City: Wilmington State/Country: DE ZIP: 19899

Additional name(s) & address(es) attached?

- ☐ Yes
☒ No



4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

09/801,471

B. Patent No.(s)

Additional Application/Patent Numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Kathleen D. Rigaut, Ph.D., J.D.Address: DANN, DORFMAN, HERRELL AND SKILLMAN

1601 Market Street, Suite 720

Philadelphia, Pennsylvania 19103-2307

Telephone: (215) 563-4100

Facsimile: (215) 563-4044

6. Total number of applications and patents involved: _____

1

7. Total Fee (37 CFR 3.41).....\$ 40.00

- ☒ Enclosed
☐ Authorized to be charged to deposit account

8. In the event the check enclosed is improper, or the fee calculation is in error, the Commissioner is authorized to charge any underpayment or credit any overpayment to the account of the undersigned attorneys.

Deposit Account Number: 04-1406

08/15/2001 DBYRME 00000031 09801471

01 FC:581

40.00 OP

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Kathleen D. Rigaut, Ph.D., J.D.

Name of Attorney or Agent

Signature of Attorney or Agent

Total number of pages comprising cover sheet: 4 (includes this sheet in duplicate)

August 8, 2001

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks
Box Assignments
Washington, DC 20231

ASSIGNMENT

WHEREAS, Leon W.M.M. Terstappen, Galla Chandra Rao, Herman Rutner and Paul Liberti, hereinafter referred to as ASSIGNORS, are named inventors of an invention entitled:

"LABELED CELLS FOR USE AS AN INTERNAL FUNCTIONAL CONTROL IN RARE CELL DETECTION ASSAYS" described and claimed in an application for Letters Patent of the United States signed by ASSIGNORS and dated the 13th day of June, 2001 and 10th day of July, 2001 and 10th day of July, 2001, and 2nd day of July, 2001 under U.S. Application No.: 09/801,471.

WHEREAS, Immunivest Corporation, a public body Corporate of the Delaware, located at 1105 North Market Street, Suite 1300, P.O. Box 8985, Wilmington, Delaware 19899, hereinafter referred to as ASSIGNEE, is desirous of acquiring said invention and any and all applications for Letters Patent and any and all Letters Patent of the United States and foreign countries which may be issued therefor;

NOW THEREFORE THIS IS TO WITNESS that in consideration of the sum of One Dollar (\$1.00) paid to ASSIGNORS by ASSIGNEE, the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNORS have sold, assigned and set over and hereby does sell, assign and set over, unto ASSIGNEE, its successors and assigns, for the territory of the United States of America and for all foreign countries, ASSIGNORS' entire right, title and interest in and to the aforesaid inventions, as well as any improvement thereof, and any and all applications for Letters Patents which have been, or hereafter may be, filed on said invention or any said improvement, including any and all divisional, renewal, substitute, continuation and continuation-in-part application, together with the right to claim priority accruing from said applications, and all Letters Patent which may be granted on any said application(s) for said invention or any said improvement, and all extension(s) and reissue(s) thereof.

And ASSIGNORS hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all Letters Patent of the United States to ASSIGNEE, its successors and assigns, as the owner of all right, title and interest therein.

And for said consideration, it is hereby covenanted and agreed that at the request and expense of ASSIGNEE, its successors and assigns, ASSIGNOR will execute any further papers and do such other acts and things as may be necessary and proper to permit ASSIGNEE, its successors and assigns, to procure Letters Patent for said invention in the United States and in such foreign countries as ASSIGNEE, its successors and assigns may elect, and vest the full title thereto in ASSIGNEE, its successors and assigns.

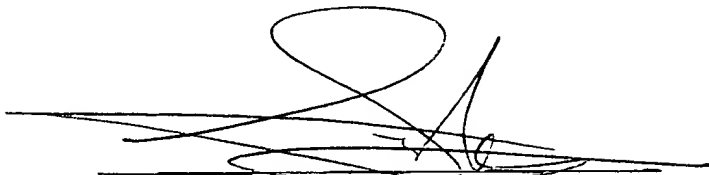
Assignment

09/801,471

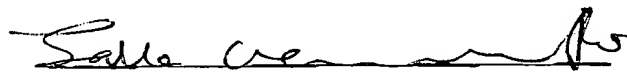
Page 2

IN WITNESS WHEREOF, this assignment has been executed on the day and month indicated below.


06-13-01
Date


Leon W.M.M. Terstappen


7/10/01
Date


Galla Chandra Rao

7/10/01
Date


Herman Rutner

07/02/01
Date


Paul Liberti